



**University of
Zurich**^{UZH}

**Zurich Open Repository and
Archive**

University of Zurich
University Library
Strickhofstrasse 39
CH-8057 Zurich
www.zora.uzh.ch

Year: 2012

**The Pavia Group proposal for a single (federal) electoral district in Belgium:
an appraisal with three amendments inspired by the Swiss case**

Stojanovic, Nenad

Posted at the Zurich Open Repository and Archive, University of Zurich
ZORA URL: <https://doi.org/10.5167/uzh-72701>
Conference or Workshop Item

Originally published at:

Stojanovic, Nenad (2012). The Pavia Group proposal for a single (federal) electoral district in Belgium: an appraisal with three amendments inspired by the Swiss case. In: ECPR Joint Sessions of Workshop 'Complex Electoral Rules', Antwerpen, 11 April 2012 - 13 April 2012, 18.

ECPR Joint Sessions, Antwerp, 11-13 April 2012

Workshop “Complex Electoral Rules” (workshop directors: Julian Bernauer and Daniel Bochsler)

The Pavia Group proposal for a single (federal) electoral district in Belgium: an appraisal with three amendments inspired by the Swiss case¹

Nenad Stojanovic

Senior Research Fellow, Lecturer

Centre for Democracy Studies Aarau, University of Zurich

[nenad.stojanovic@zda.uzh.ch]

1 Introduction

Deschouwer and Van Parijs (2009) argue that the political philosophy underlying their proposal for a federal electoral district in Belgium (known as the Pavia Group proposal) is based on the belief that intelligent institutional engineering can provide concrete solutions for linguistically heterogeneous polities such as Belgium or the European Union.

The proposal consists of creating a single federal electoral district in Belgium, from which 15 of the 150 federal parliamentarians would be elected according to a proportional representation (PR) formula. Every citizen, thus, could cast two votes: one within his/her electoral district (as today), and one within the single federal district. The system of open party lists would allow citizens to vote not only for a party but also for single candidates from the same party list. Its authors hope that this proposal would provide incentives to politicians and the media to cross linguistic boundaries. For their part, voters would have an incentive to vote for candidates from a language group other than their own.

¹ An earlier (and much shorter) version of this paper was published last year. In particular, it does not include Section 3 and the second part of Section 4 of the present paper. See Stojanovic, Nenad. 2011. “A federal electoral district for Belgium? An appraisal with three amendments inspired by the Swiss experience”, in Axel Gosseries and Yannick Vanderborght (eds.), *Arguing About Justice. Essays for Philippe Van Parijs*. Louvain: Presses Universitaires de Louvain, pp. 327-336. If you wish to quote this paper please do refer to this published version (available on request).

If implemented, this proposal would clearly move Belgium away from the present consociational model (Lijphart 2004), and towards the logic of the so-called “integrative school” (Horowitz 2002).

In this paper, I will first (Section 2) briefly evaluate the Pavia Group proposal by drawing attention to two of the disadvantages one of its features, the reserved seats for language groups: the legitimacy problem and the problem of non-territorial quotas. I will then (Section 3) illustrate this problem by discussing two examples from Switzerland in which a single electoral district has been either implemented or envisaged. In Section 4 I will explore the advantages and disadvantages of PR v. majoritarian electoral systems. Finally (Section 5), I will propose three amendments to the Pavia Group proposal.

2 Two problems related to reserved seats

At least one element of the Pavia Group proposal should draw our attention and rouse our scepticism: the use of a linguistic quota (i.e., reserved seats) in the federal electoral district that fixes in advance the number of seats for Dutch speakers (nine) and for French speakers (six).²

First, such quotas are problematic for the stability of democracy in divided societies. If they are too rigid, with permanently defined proportions, they are difficult to amend even if circumstances (e.g., demographics) demand it (e.g., Lebanon). Moreover, they can undermine the overall legitimacy of the political system if the citizen-electors of one group can influence, in a considerable way, who occupies the seats reserved for another (often rival) group. I will call this the *legitimacy problem*.³

Second, group rights such as quotas based on non-territorial identity markers (language, ethnicity, religion, etc.) are problematic for a liberal democracy based on individual rights attributed on the basis of territorially-linked citizenship and of membership in non-territorially

² Deschouwer and Van Parijs (2009: 16) defend the quotas with the following argument: “In the absence of quota, there is a risk – indeed a certainty in the foreseeable future – that many voters will be reluctant to support a politician from the other language group for fear of contributing to a reduction in the representation of their own group in Parliament.”

³ In the context of Belgium, the quota provision envisaged by the Pavia Group proposal might weaken the impact on politicians' behavior that its advocates desire. The reason is simple: Flemish-speaking citizens might elect French-speaking candidate A in spite of the fact that he/she enjoys less support in his/her home region (say Wallonia) than candidate B, also a French speaker from Wallonia. This voting behavior, if repeated over time, could undermine the overall legitimacy of the federal electoral district. In fact, it does not seem logical that citizens from all over the country can cast votes for any party list and any candidate from that party list but that, potentially, French speakers alone could decide who will occupy the Flemish quota, and vice versa.

defined groups. Therefore, as a general rule, such quotas should be avoided in free and democratic liberal societies (see Stojanovic 2008; Rehfeld 2010). I will call this the *problem of non-territorial quotas*.

Let me illustrate the two problems related to quotas by taking two examples from Switzerland. The first example deals with the legitimacy problem. The second demonstrates both the legitimacy and the non-territorial quota problems.

2.1 The reserved seat for French speakers in the government of the canton of Berne

The canton of Berne is the second largest Swiss canton, both in terms of territory and population. Its two official languages are German and French. Yet French is the sole official language of the region of *Jura bernois* (hereafter JB), both languages are official in the municipality of Biel/Bienne, and the sole official language in the rest of the canton is German.

French speakers are in a minority position, both numerically and politically (72'400 or 7.6%, including non Swiss citizens). 56% of Berne's French speakers live in JB.⁴

The government of the canton of Berne is composed of seven representatives. It is elected every four years in a majoritarian electoral system with two turns. There is only one electoral district and it corresponds to the cantonal territory. A special constitutional and legal provision, adopted after the separation of the northern part of Jura in 1979, guarantees one seat to the French-speaking minority of JB.⁵ This provision worked fine in the 1982 election but as early as 1986 a significant problem had arisen. A well-known politician from JB and member of the federal parliament, Geneviève Aubry, was defeated in the second run by the relatively-unknown Benjamin Hofstetter by a margin of 7'680 votes. But his election was contested by some Jurassiens on the grounds that Ms. Aubry had carried JB by a margin of 3'508 votes. On the eve of the second run, the president of the main JB party in one of the Jura districts declared that "JB will never accept Benjamin Hofstetter as its representative in the government,"⁶ while Ms. Aubry dismissed him a "political Nobody"⁷. Moreover, Hofstetter was a bilingual French/German of Swiss-German origin⁸ and some Jurassiens did

⁴ According to the 2000 census, 79% of the 51'504 citizens of JB were French speakers.

⁵ This provision is neither a fully non-territorial linguistic quota (it does not include all French speakers living in the canton of Berne), nor a fully territorial quota (it is restricted only to French speakers from JB).

⁶ *SDA-ATS*, 3 April 1986.

⁷ *Der Bund*, 7 May 1986.

⁸ *Berner Zeitung*, 12 May 1986.

not consider him a “true” representative of JB. In the aftermath of the election, the Free Democrats from the Canton of Berne, the main losers of the elections, declared their “regret” that the “desire of JB was over voted by the old [i.e., German-speaking] part of the canton”.⁹

Table 1. The 1986 cantonal election in Berne. Results of the two candidates from Jura bernois

	Canton of Berne	JB
Aubry	1 st run: 59 436 2 nd run: 60 394	1 st run: 6736 2 nd run: 7339
Hofstetter	1 st run: 40 154 2 nd run: 68 074 → elected	1 st run: 1941 2 nd run: 3831

Source: *NZZ*, 12 May 1986. *Der Bund* 26 November 2001.

Recognizing the dilemma of what I term the legitimacy problem – a quota filled by a person who could be considered a legitimate representative of the group he is meant to represent – cantonal authorities sought a mechanism that would prevent similar situations (and further frustrations of the French-speaking minority) in the future. They wanted to limit the risk that the canton’s German-speaking majority could overpower the will of a majority of JB’s inhabitants to elect its representative. The solution was the *geometric mean*. It works as follows: for every candidate from JB, the number of votes obtained in that region is multiplied by the number of votes received in the whole canton (including JB); the geometric mean is the result of the square root of that multiplication. The reserved seat is filled by the candidate from JB with the highest geometric mean. In other words, this solution gives more weight, but not exclusive weight, to the voters of JB in the selection of their representative. The following table illustrates the mechanism.¹⁰

Table 2. Geometric mean

Candidate	Canton Berne (B)	JB (J)	Geometric mean $\sqrt{(B \times J)}$
X	70 000	10 000	26 458

⁹ *Der Bund*, 15 May 1986.

¹⁰ For further examples on the functioning and possible applications of the geometric mean (particularly for the election of the three-member presidency of Bosnia and Herzegovina), see Bochsler (2012), Hodzic and Stojanovic (2011).

Y	120 000	6 000	26 833
Z	150 000	4 000	24 495

Under the previous law, candidate Z would be elected since her two rival candidates (X and Y) received fewer votes at the level of the canton. With the new system, however, candidate Y would be elected, because he obtained the highest geometric mean. Candidate X would not be elected, even though he obtained most votes within JB; the instrument of the geometric mean does not throw the choice of their representative to a majority of Jura's citizens *alone*. Rather, the representative of JB is still elected at the cantonal level but the votes she receives in JB are "heavier". This also means that the French-speaking candidates have an incentive to gather support *across* linguistic borders and not only in their home region. The same, of course, applies to German-speaking candidates, who have an incentive to seek votes from French speakers. That would not have been the case if other possible solutions had been adopted, such as the creation of a separate electoral district for JB.

If this mechanism had existed in the 1986 election, Ms. Aubry would have been elected (geometric mean: 21'053) instead of Mr. Hofstetter (geometric mean: 16'149). The legitimacy problem would not have emerged.

2.2 *The proposal for electing the Swiss federal government by popular vote*

Another way to solve the legitimacy problem *and* the non-territorial quota problem is illustrated by a recent proposal of the Swiss People's Party (SVP/UDC). In the late 2000s, this party collected more than 100'000 signatures demanding, via a popular initiative, that the seven-member federal government be elected by the citizens in a majoritarian electoral system. (Today, the government is elected by the federal parliament.) Their main argument is that the people should directly elect their representatives in the federal executive branch, as they do in all Swiss cantons and in most municipalities.¹¹ The Swiss will have the opportunity to vote on this proposal, probably in 2012/2013.

In the context of our discussion, what is interesting is that the election of the government would take place within a *single federal electoral district*. Therefore, for our purposes, *it is similar to the Pavia Group proposal*, even though its objective is not to provide incentives for

¹¹ See www.election-populaire.ch/arguments.html. Accessed 15 February 2011.

politicians to campaign across linguistic borders¹² but rather to have a government that better reflects the popular support for various political parties.¹³

However, one possible disadvantage of this proposal is that it might endanger the presence of linguistic minority groups (French and Italian speakers) in the government, since the first language of around 70% of the Swiss electorate is German (and/or a Swiss German dialect). Realistically, how can a French or Italian speaker, with a good knowledge of German but no fluency in Swiss German, run an electoral campaign in the German-speaking regions of Switzerland and have a fair chance of being elected? The authors of the SVP/UDC proposal anticipated that critique and, they include a *quota* for French and Italian speakers: at least two of the seven seats shall be reserved for them.

However, unlike the Pavia Group proposal, this is not really a non-territorial linguistic quota. Rather, it is a *territorial* quota that *indirectly* and *implicitly* ensures a representation for French and Italian speakers. It states that at least two of the seven elected members of government must have their residence in the French or Italian speaking areas of Switzerland. In other words, nothing prevents a German speaker who lives, for example, in the Italian-speaking canton Ticino to run for the government and to profit from this provision in spite of the fact that her mother tongue is neither French nor Italian.¹⁴ This quota thus remains compatible with liberal democratic principles and avoids the problem of non-territorial quotas discussed above.

This does not address the legitimacy problem, however: citizens from German-speaking areas of Switzerland, by virtue of their numerical majority, could determine who fills the seats that are supposed to represent the French and Italian-speaking areas in the government. For this reason the proposal contains the rule of *geometric mean*, imitating the model applied in the canton of Berne. For the two seats reserved for French and Italian-speaking areas, the votes of their citizens will have more weight than the votes of the citizens in German-speaking areas.

¹² Indeed, its advocates are probably unaware of this possible effect, which is not mentioned whatsoever on their official website (see footnote above).

¹³ In fact, although the SVP/UDC received some 30% of the votes in the 2007 parliamentary election, it has only one representative in the government. The Liberal-Radical party, on the other hand, has two representatives but only 15% of the parliamentary seats.

¹⁴ This problem is potential but not actual. Informal conventions and political pressure will certainly prevent any major federal party from running German-speaking candidates with residence in French or Italian-speaking cantons, unless these candidates are truly rooted in those cantons and speak the local language fluently.

3 PR or majoritarian electoral system?

The Pavia Group proposal is based on the open-list PR electoral system. This means that the voters are free to vote not only for parties, but also for single candidates within a given party list. (A free-list PR, in use in Luxembourg and in Switzerland, would allow, in addition, to vote for candidates from different party lists.)

The PR electoral system is embedded in the consociational model of democracy (Lijphart 2004). In Belgium it is even written down in the constitution (art. 62).

Nevertheless, I believe that in order to meet the objectives of the Pavia Group a form of majoritarian system would do a better job.

Indeed, PR systems present various drawbacks: they encourage the creation of ethnic parties, they provide incentives for radical instead of moderate political discourse, they oblige the parties to form coalitions after the elections and not before the elections, etc. Here I would like to underline one particular aspect that is worth exploring: the impact of the electoral system on the inter-ethnic v. intraethnic voting behaviour of the citizens.

Indeed, my observations rejoin Horowitz' comments on the Pavia Group proposal:

“There is, however, one function list PR typically does not perform, and that is providing incentives to bridge ethnic divisions. List PR is known as a centrifugal system (Cox 1990), and it is more appropriate for assuring descriptive ethnic representation than for fostering interethnic accommodation. What the Pavia Group proposals do by providing a federal electoral constituency is simply to add 15 seats elected from a heterogeneous constituency, but it is difficult to see how this would modify the ethnic-voting incentives of either candidates or voters.” (Horowitz 2009: 27).

So an important concern for Horowitz is to design an electoral system that encourages inter-ethnic, or inter-communitarian, vote instead of intraethnic or intracommunitarian vote. The idea, here, is that a vigorous representative democracy requires that the citizens vote considering public good and well-being of the society as a whole and not exclusively specific and narrow interests of ascriptive communities to which they belong. And this implies that they vote not only for candidates from their own ethnic/linguistic/religious community (intra-

ethnic or intra-communitarian vote) but also for candidates who come from other communities (inter-ethnic or inter-communitarian vote). Thus, the inter-communitarian vote is considered as positive for democracy, cohesion and social integration of a polity.¹⁵ Horowitz' thesis is that majoritarian systems provide more incentives for inter-communitarian voting, whereas PR favours ethnic voting.

I agree and, in the next section, I will illustrate this point by presenting an example from Switzerland.

3.1 Example of PR v. majoritarian elections in Valais

After the separation of the northern Jura from the canton of Berne, in the 1970s, Valais can be considered as the Swiss canton in which the linguistic cleavage between the French-speaking majority and the German-speaking minority is particularly most pronounced (see Keech 1972). The cantonal constitutions partition its territory into three administrative regions: Bas-Valais, Valais central and Oberwallis. Bas-Valais and Valais central are predominantly French-speaking and are often referred to as “Valais romand”. Oberwallis is German-speaking. Linguistic homogeneity within the linguistic regions is very strong (see Table 3). This makes Valais the best candidate for exploring the impact of PR vs. majoritarian vote on the electoral behaviour.¹⁶

Table 3. Regional distribution of the linguistic groups, Valais, 2000 (%)

	Valais romand	Oberwallis	Total
French speakers	94.2	1.2	66.3
German speakers	4.4	97.9	32.5
Other	1.4	0.9	1.2

Note: Swiss citizens only. Valais romand is composed of the constitutional regions of Bas-Valais and Valais central.

Source: Statistical Office of the Canton of Valais.

¹⁵ Horowitz' approach has been labelled “integrative” or “centripetal” in opposition to Lijphart's “consociational” model.

¹⁶ Another interesting exploration of Horowitz vs. Lijphart debate is related to the alleged importance of PR for adequate institutional representation of all main segments of a society. Yet it can be argued that when groups are territorially concentrated – as it is the case of linguistic groups in Switzerland – adequate parliamentary representation is ensured through electoral districts and does not depend on PR or majoritarian methods per se (Stojanovic 2006). And in the cases in which territorial solutions cannot be used – for example in the elections of the cantonal governments in the multilingual cantons – majoritarian systems often achieve better results than PR (Stojanovic 2008).

As we have seen, one of Horowitz' concerns is to design an electoral system which does not encourage the formation of ethnic and/or extremist parties but, instead, promotes multiethnic and/or moderate parties. His argument is that majoritarian systems are better suited to do the job, whereas PR does exactly the opposite. For this reason I propose to look, first, at the effects of PR vs. majoritarian system on the number of political parties in Valais. I will then proceed with an analysis of the impact of electoral systems on the inter-communitarian vote.

Table 4 displays the party system of the canton of Valais. We can notice that there are two main cleavages: ideological and linguistic. There are no proper "ethnic" or "ethnolinguistic" parties, that is, parties which primary objective is to defend the interests of the respective ethnolinguistic community (see Vlaams Belang in Flanders or Südtiroler Volkspartei in the Italian region of Südtirol / Alto Adige). Still, the linguistic cleavage is also evident since every party family based on the ideological cleavage – with the notable exception of the Green party – is split along linguistic lines. Christian Democrats – who always held the absolute majority of Valais' seats in all political institutions (including the mandates in the two houses of the federal parliament)¹⁷ – are further split according to their internal political cleavage (Social vs. Conservative).¹⁸

Table 4. Party system in the canton of Valais

Party family	Valais romand	Oberwallis
Christian Democrats	Parti Démocrate Chrétien du Valais romand (PDC Vr)	Christlichdemokratischevolkspartei Oberwallis (CVPO)
	Parti Chrétien-Social du Valais romand (PCS)	Christlichsoziale Volkspartei Oberwallis (CSPO)
Liberals (Free Democrats)	Parti Radical Démocratique Valaisan (PRDVS)	Freisinnig-Demokratische Partei Oberwallis (FDPO)
Nationalists Conservatives	Union démocratique du centre du Valais romand (UDCVR)	Schweizerische Volkspartei Oberwallis (SVPO)

¹⁷ In the 2001 cantonal elections, however, for the first time they lost the absolute majority of the seats in the cantonal parliament.

¹⁸ Ideological differences within Christian Democrats are so strong to the point in the 2003 federal elections the CSPO did not figure under the *apparentement* with the PDC Vr and the CVPO. The PCS even figured both in 2003 and 2007 under the *apparentement* with the Social Democrats and the Green party.

Social Democrats	Parti Socialiste du Valais Romand (PSVR)	Sozialdemokratische Partei Oberwallis (SPO)
------------------	---	--

Green

Les Verts / Die Grünen

Note: CVPO, PDC Vr and CSPO are independent sections of the Swiss Christian-democratic Party (PDC/CVP). PCS is a section of the Swiss Christian-social Party (PCS/CSP). PSVR and SPO are sections of the Swiss Social-democratic Party (PS/SP). PRDVS and FDPO are sections of the Swiss Free Democrats (PRD/FDP). UDCVR and SVPO are sections of the Swiss People's Party (UDC/SVP). Les Verts / Die Grünen is a section of the Swiss Green party.

The party system in Valais confirms Horowitz' thesis that PR encourages the multiplication of party-lists on the basis of the linguistic cleavage. In fact, in the 2003 elections to the National Council only the Green party and the Young Socialists presented bilingual party-lists. All other party-lists were monolingual. In the 2007 only the Green party had a bilingual party-list, since even the Young Socialists presented two monolingual party-lists. We can also notice that within Valais romand some parties – PRD and UDC – are further split at the sub-regional level. On the other hand, in the elections to the Council of States (2nd chamber of the federal parliament) ideological cleavages prevailed so that every party family presented either bilingual lists with two candidates (PDC, PS in 2003, UDC in 2007) or one candidate for both linguistic regions (PRD, UDC in 2003). This, again, confirms Horowitz' thesis on the incentives that a majoritarian system provides for the formation of multiethnic – or, in our case, multilingual – parties and/or party coalitions.

Why this happens? The majoritarian system, such as applied in the two-member elections of the Council of States or in the multimember elections of the cantonal governments, increases the power of party elites. They are obliged to opt for a minimal number of candidates which corresponds to the maximum number of seats that they judge realistic to gain according to their approximate electoral share. They have no incentives to propose more candidates – even if the electoral law allows them to do so – because this would increase the dispersion of the votes of their voters, profit the candidates of other parties and, therefore, undermine the chances of their candidates to get elected. So in multilingual cantons like Valais parties that wish to gain seats in the Council of States (or in the cantonal government) have an institutional incentive to choose candidates from different linguistic groups in order to attract votes from all linguistic communities.

It shall be noted that the elections to the National Council (1st chamber of the federal parliament) are held under a very peculiar PR system. It is a free list (panachage) system that allows the parties to join their lists under a single party-coalition or apparentement. This is a further incentive for the parties to create two or more party-lists in order to attract more votes. For this reason it could be argued that a PR system without the possibility of apparentement (a closed list PR, for instance) would not have produced the same effects as far as the number of parties is concerned. Moreover, the low district magnitude (Valais has only seven seats in the National Council) would have probably obliged the parties belonging to the same ideological family to join their forces in order to gain more mandates.

Now, what is extent of the inter-communitarian vote in Valais in the elections to the two houses of the federal parliament? Table 5 shows, first, the similarities and the differences between these two elections.

Table 5. Similarities and differences in the comparison of the elections to the Council of States and the National Council in the canton of Valais

	Council of States	National Council
Similarities		
Political system	Valais	Valais
Electoral district	1 (canton)	1 (canton)
Day of the election	X (1 st round) and Y (2 nd round)	X
Effective voters*	V	V
Number of party-coalitions	4-5	4-5 (apparentements)
Differences		
Electoral system	Majoritarian	PR
District magnitude	2	7
Number of party-lists	4-5	15-30
Number of candidates	7-10	> 90
Number of votes pro voter	0-2	0-7

Note: (*) The electoral lists for the two elections may slightly differ because they are regulated by different electoral laws (Council of States: cantonal law; National Council: federal law).

I define the inter-communitarian vote in the following way: It takes place when a voter of the language community A casts a vote for a candidate of the language community B.

Table 6: Inter-communitarian vote in Valais, federal elections, 2003 and 2007

Electoral system	Majoritarian		PR	
Election	Council of States	Council of States	National Council	National Council
Year	2003	2007	2003	2007
ICV Valais romand	67.0	64.0	14.0	3.4
ICV Oberwallis	45.3	46.6	15.8	13.8
ICV total	51.5	54.1	15.5	10.8
ICV total*	58.2	57.6	2.4	2.8
ICV total (mean)	52.8		13.2	
ICV total* (mean)	57.9		2.6	

Note: (*) adjusted results.

The results displayed in Table 6 show that Horowitz' hypothesis holds. Under majoritarian system the citizens are more inclined to vote for candidates from another linguistic community. Approximately one out of two citizens voted for candidates from another linguistic community under majoritarian system (52.8%), whereas only one out of eight did so in PR elections (13.2%). The adjusted results show an even stronger contrast. The inter-communitarian vote in the elections to the Council of States rises to 57.9%, whereas it drops significantly in the elections to the National Council (2.6%). And if we were able to take fully into account the "minority voter effect" we would probably see a further decrease of the ICV in both elections. This would affect, however, much more significantly the figures concerning the elections to the National Council since the percentage of the inter-communitarian vote in the elections to the Council of States would hardly go below 50%.

4 Implications for the Pavia Group proposal? Three amendments

The Swiss examples illustrated in the previous section lead me to propose the following amendments to the Pavia Group proposal. First, ensure the linguistic balance through territorial instead of linguistic non-territorial quotas. Second, apply the geometric mean. Third, use a majoritarian system instead of open list PR.

Here are the main features of the amended proposal.

- a. 15 of the 150 seats in the federal parliament represent a single federal electoral district (Belgium). [This is the very core of the Pavia Group proposal.]

b. Every citizen has a maximum of 5 preferential votes to assign to individual candidates. This gives him a genuine opportunity to influence the election of his preferred candidates. [Apart from that, he has another vote for one of the party lists – or some of the candidates featured on one of the lists – presented in a provincial electoral district. See Deschouwer and Van Parijs (2009: 14).]

c. Only a given number of candidates are elected to the parliament from each of the following three regions:

Flanders: (population ca. 6.3 mio). 9 seats

Wallonia (population ca. 3.5 mio): 5 seats

Brussels (population ca. 1.3 mio): 2 seats

If we were to stop at these three points, the proposal would enable the citizens of the Flemish region to elect a candidate from the Walloon region, and vice versa, and/or it would enable the most numerous linguistic group (the Flemish) to elect a candidate from the Brussels region, etc. This legitimacy problem, however, is addressed by (d):

d. Candidates with the highest geometric mean are elected, according to the following formula:

A: number of votes received in the Flemish region

B: number of votes received in the Walloon region

C: number of votes received in the Brussels region

D: number of votes received in the entire country (=A+B+C)

In order to fill this regional quota the following formula will be used:

9 representatives from Flanders: $\sqrt{A \cdot D}$

5 representatives from Wallonia: $\sqrt{B \cdot D}$

2 representatives from Brussels: $\sqrt{C \cdot D}$

In my view, the Pavia Group proposal, so amended, would have the following important advantages over the current system:

The two main linguistic groups, given their relative concentration in the regions A (Dutch speakers), B (French speakers) and C (mostly French speakers, with a minority of Dutch speakers), would have, *de facto*, a fair chance to be represented in the parliament (within the group of 15 MPs elected in the federal electoral district).

Nevertheless, the system would also be equally open to linguistic “others” (e.g., German speakers from Wallonia, people from immigrant origin, bilingual Dutch-French speakers from Brussels, etc.).

All citizens, regardless of place of residence, would be able to vote for the candidates of their choice.

Thanks to the single electoral district *and* the rule of geometric mean, *all* candidates would be motivated to campaign throughout the *whole* country – not, as is currently the case, solely within their own region. This would have a strong integrative effect, which would in turn promote inter-community cooperation and compromise.

The use of the geometric mean would give greater weight, but not sole discretion, to the citizens from regions A, B and C for the election of MPs from their respective regions.

Although this electoral system appears complicated from the viewpoint of voters it is remarkably simple: any voter can vote for any candidate, bearing in mind that they are more likely to influence the election of a candidate from their own region than a candidate from the other two regions. However, I will try to clarify the functioning of the rule of geometric mean with the aid of a fictitious example (albeit inspired by reality)

Table 7. Election results within the federal electoral district

[See Table 7 in attachment as Excel document]

Here are some comments on these fictitious results:

- Out of 25 candidates, 16 candidates are elected.
- In spite of the nominally proportional system, the party distribution is rather balanced: 4 Liberals, 4 Christian Democrats, 3 Socialists, 3 Ecologists, 2 Nationalists (ND&V).
[This is a surprising but a logic outcome of the majoritarian system within large multi-member districts. Parties (or party families) have an incentive not to present too many candidates. Otherwise there is a risk that their voters spread the available votes on too many candidates. The end effect might be that the party, or party family, receives less

seats than it is “entitled” to according to its real force within the electorate.]

- In spite of the regional and not ethno-linguistic quota there is a nice balance of language groups: 8 Dutch speakers (50%), 6 French speakers (38%), 1 German speaker (6%) and 1 bilingual French/Dutch speaker (6%).
- The results indicate that most parties made alliances with the parties of the same party family from the other linguistic region. The level of the inter-ethnic vote is high.
- The geometric mean has prevented undesirable surprises. The candidate D – a Dutch-speaking nationalist from Brussels – has obtained a large support in Flanders (1 mio votes) but only a small portion of votes in his own region (50'000) and, of course, almost no votes in Wallonia (5'000). He was not elected in spite of the fact that the total of his votes (1,055 mio) is higher than the total of the votes that the candidate B – a bilingual Ecologist – obtained at the national level (960'000). In fact, the geometric mean of the candidate D (229,7) is significantly lower than the one of the candidate B (325,0). The reason is that the candidate B obtained a much stronger support in his own region (110'000 votes) as well as a considerable support in both Flanders (450'000) and in Wallonia (400'000).
- Nevertheless, the system does not preclude the election of Flemish nationalists. This is demonstrated by the fact that two of them did get elected and that the candidate E – a Flemish nationalist from Flanders – almost got elected, in spite of the fact that he is at the end of the list (position 25) in terms of the votes collected in whole Belgium (410'000). His geometric mean (405,0) is only slightly lower than the one (407,9) of the candidate J (a Flemish Ecologist). The reason is that the candidate J collected much less votes in his region (260'000) than the candidate E (400'000). Does this mean that French speakers decided who should occupy the Flemish seat? Not really. Look at the candidate O (a Flemish socialist). He received a lot of support among the French-speaking electorate (500'000 in Wallonia) but did poorly in his own region (100'000) votes. So his geometric mean is particularly low (258,8) and he did not get elected, even though his total number of votes is higher (670'000) than that of the candidate J (640'000) who eventually got elected.

5 Conclusion

In the 2000s Philippe Van Parijs dedicated a lot of time and energy to contributing to the solution of the Belgian political stalemate, in the finest tradition of *intellectuels engagés*. The creation of the Pavia Group (the name, by the way, stems from the place where its members

would gather to discuss different proposals: Philippe's house in the Pavia street in Brussels) and the Re-Bel Initiative ("Rethinking Belgium") testify to the importance of this involvement. The proposal for a single federal electoral district is the finest product of this engagement. It has not been confined to the academic community but has increasingly received endorsements from Belgian political leaders from both sides of the language border (see www.paviagroup.be).

This article shall be seen as an admiring appraisal of the Pavia Group proposal. Nevertheless, I identified its two disadvantages related to the provision for reserved seats: (a) the legitimacy problem, and (b) the problem of non-territorial quotas.

By drawing inspiration from the Swiss experience, I proposed two main amendments, suggesting that the first problem can be tackled using the formula of geometric mean in order to fill the seats reserved for each region, whereas the second can be solved by introducing territorial (instead of linguistic) quotas on the basis of the three existing regions. They are complemented by a third amendment, proposing the use of a majoritarian instead of a PR electoral system.

References

- Bochsler, Daniel. 2012. "Non-discriminatory rules and ethnic representation: the election of the Bosnian state presidency", *Ethnopolitics* 11(1): 66-84,
- Deschouwer, Kris and Philippe Van Parijs. 2009. "A country-wide electoral district for Belgium's federal parliament", in *Electoral Engineering for a Stalled Federation*. Brussels: Rethinking Belgium, pp. 7-19.
- Horowitz, Donald. 2002. "Constitutional design: proposals versus processes", in A. Reynolds (ed.), *The Architecture of Democracy: Constitutional Design, Conflict Management, and Democracy*. Oxford: Oxford University Press, pp. 15-36.

Horowitz, Donald. 2009. "A federal constituency for Belgium: right idea, inadequate method", in *Electoral Engineering for a Stalled Federation*. Brussels: Rethinking Belgium, pp. 25-28.

Hodzic, Edin and Nenad Stojanovic. 2011. *New/Old Constitutional Engineering? Challenges and Implications of the European Court of Human Rights Decision in the Case of Sejdic and Finci v. BiH*. Sarajevo: Analitika - Center for Social Research.

[<http://analitika.ba/files/NEW%20OLD%20CONSTITUTIONAL%20ENGINEERING%20-%202007062011%20za%20web.pdf>]

Lijphart, Arend. 2004. "Constitution design for divided societies", *Journal of Democracy* 15(2): 96-109.

O'Leary, Brendan. 2005. "Debating consociational politics: normative and explanatory arguments", in S. Noel (ed.), *From Power Sharing to Democracy. Post-Conflict Institutions in Ethnically Divided Societies*. Montreal and Kingston: McGill-Queen's University Press, pp. 3-43.

Rehfeld, Andrew. 2010. "On quotas and qualifications for office", in I. Shapiro, S. Stokes, E. Woods, and A. Kirschner (eds.), *Political Representation*. New York: Cambridge University Press, pp. 236-270.

Stojanovic, Nenad. 2006. "Do multicultural democracies really require PR? Counterevidence from Switzerland", *Swiss Political Science Review* 12(4): 131-157.

Stojanovic, Nenad. 2008. "How to solve the dilemma of power sharing? Formal and informal patterns of representation in the Swiss multilingual cantons", *Representation* 44(3): 239-253.

Candidates	Language	Party family	Candidate from	Votes received in (1'000):					Elected?	Position as of n. of received votes (total Belgium)	Regional quota	Results:	Per region (pre-determined)	Per party family	Per language
				Brussels	Flanders	Wallonia	Total Belgium	Geometric mean							
L	Dutch	Christ-Dem	Flanders	80	800	325	1205	981.8	Yes	1	F-1	Total	Flanders: 9	Nationalists: 2	Dutch: 8 (50%)
F	Dutch	Christ-Dem	Flanders	40	900	50	990	943.9	Yes	9	F-2		Wallonia: 5	Socialists: 3	French: 6 (38%)
Q	Dutch	Nationalist	Flanders	5	900	5	910	905.0	Yes	12	F-3		Brussels: 2	Liberals: 4	German: 1 (6%)
U	French	Liberal	Wallonia	150	300	640	1090	835.2	Yes	3	W-1			Chris-Dem: 4	Bilingual: 1 (6%)
S	French	Socialist	Wallonia	100	310	600	1010	778.5	Yes	7	W-2			Green: 3	
P	French	Liberal	Flanders	150	500	500	1150	758.3	Yes	2	F-4				
K	Dutch	Liberal	Flanders	100	550	300	950	722.8	Yes	11	F-5				
T	French	Socialist	Wallonia	70	190	600	860	718.3	Yes	13	W-3				
H	Dutch	Nationalist	Flanders	30	700	5	735	717.3	Yes	16	F-6				
V	French	Christ-Dem	Wallonia	120	400	500	1020	714.1	Yes	5	W-4				
I	Dutch	Christ-Dem	Flanders	100	500	400	1000	707.1	Yes	8	F-7				
M	Dutch	Socialist	Flanders	50	500	200	750	612.4	Yes	15	F-8				
X	German	Green	Wallonia	130	300	350	780	522.5	Yes	14	W-5				
Y	French	Liberal	Wallonia	70	200	325	595	439.7	No	20	Quota is full				
J	Dutch	Green	Flanders	120	260	260	640	407.9	Yes	18	F-9				
E	Dutch	Nationalist	Flanders	5	400	5	410	405.0	No	25	Quota is full				
C	French	Liberal	Brussels	162	500	350	1012	404.9	Yes	6	B-1				
N	Dutch	Green	Flanders	50	300	150	500	387.3	No	22	Quota is full				
Z	French	Christ-Dem	Wallonia	50	250	250	550	370.8	No	21	Quota is full				
W	French	Green	Wallonia	50	150	260	460	345.8	No	23	Quota is full				
B	Bilingual D-F	Green	Brussels	110	450	400	960	325.0	Yes	10	B-2				
O	Dutch	Socialist	Flanders	70	100	500	670	258.8	No	17	Quota is full				
D	Dutch	Nationalist	Brussels	50	1000	5	1055	229.7	No	4	Quota is full				
A	French	Christ-Dem	Brussels	80	300	250	630	224.5	No	19	Quota is full				
G	Arab	Indipendent	Flanders	80	50	300	430	146.6	No	24	Quota is full				
											F = Flanders	9			
											W = Wallonia	5			
											B = Brussels	2			